

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RONALD J. SCOTT, JR., <sup>1</sup>	§
	§ No. 135, 2011
Respondent Below-	§
Appellant,	§
v.	§ Court Below—Family Court
	§ of the State of Delaware
	§ in and for New Castle County
VICTORIA O. SCOTT,	§ File No. CN96-06273
	§ Petition Nos. 10-25665
Petitioner Below-	§ 09-39515
Appellee.	§

Submitted: July 8, 2011

Decided: August 16, 2011

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 16<sup>th</sup> day of August 2011, upon consideration of the briefs of the parties and the record below, it appears to the Court that:

(1) The respondent-appellant, Ronald J. Scott, Jr. (“Husband”), filed an appeal from the Family Court’s February 21, 2011 order awarding alimony to the petitioner-appellee, Victoria O. Scott (“Wife”). Because we conclude that the record is inadequate for our appellate review, this appeal must be dismissed.

(2) It appears that Husband and Wife were married in 1980, separated on or about September 9, 2009, and divorced on June 24, 2010. Husband and Wife

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<sup>1</sup> The Court *sua sponte* assigned pseudonyms to the parties by Order dated March 21, 2011. Supr. Ct. R. 7(d).

have no children. On February 15, 2011, a hearing was held in the Family Court regarding ancillary matters stemming from the parties' divorce. Both Husband and Wife were present for the hearing. They were able to reach agreement on all ancillary matters with the exception of the issue of alimony. Following the hearing, the Family Court issued an order awarding alimony to Wife.

(3) In this appeal from the Family Court's February 21, 2011 order, Husband claims, in essence, that the Family Court erred and abused its discretion when it ordered him to pay alimony.

(4) The record before us reflects that Husband did not order a transcript of the Family Court's hearing on ancillary matters. His notice of appeal states "[n]o transcript needed." It is well-established that this Court will not review claims raised on appeal that are not fully and fairly presented in the appellant's opening brief.<sup>2</sup> The Rules of this Court require the appellant to designate and order for transcription those portions of the proceedings that are relevant to the claims made on appeal,<sup>3</sup> and to include in the opening appendix those portions of the transcript of the proceedings below as are necessary to give the Court a fair and accurate account of the context in which the claimed error occurred.<sup>4</sup>

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<sup>2</sup> *Proctor v. Bunting*, 797 A.2d 671, 672 (Del. 2002) (citing *Murphy v. State*, 632 A.2d 1150, 1152 (Del. 1993)).

<sup>3</sup> Supr. Ct. R. 9(e) (ii).

<sup>4</sup> Supr. Ct. R. 14(e).

(5) Husband's failure to include the hearing transcript with his appeal precludes our appellate review of his claims.<sup>5</sup> His appeal must, therefore, be dismissed.

NOW, THEREFORE, IT IS ORDERED that this appeal is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice

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<sup>5</sup> *Tricoche v. State*, 525 A.2d 151, 154 (Del. 1987).